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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,767	02/20/2004	Mark Alcazar	MS304706.01/40062.0222US0	6663
7590 Homer L. Kncarl Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903		06/04/2007	EXAMINER NGUYEN, VAN H	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/783,767	Applicant(s) ALCAZAR ET AL.	
	Examiner VAN H. NGUYEN	Art Unit 2194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/28/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This communication is responsive to the application filed 02/20/2004.

Claims 1-21 are currently pending in this application.

## **Oath/Declaration**

2. The Office acknowledges receipt of a properly signed Oath/Declaration submitted 02/20/2004.

## **Information Disclosure Statement**

3. The Applicants' Information Disclosure Statement, filed 07/28/2005, has been received, entered into the record, and considered.

## Specification

4. Examiner requests that Applicant review the application carefully for informalities including typographical errors.

### **Descriptive Title Required**

The title of the invention is not descriptive. The title should be as "specific as possible" 37 CFR 1.72 while not exceeding "500 characters in length". The title should provide "informative value" and serve to aid in the "indexing, classifying, searching" and other Official identification functions. A new title is required that is clearly indicative of the invention to which the claims are directed.  
MPEP606.01

### **Applicant is reminded of the proper language and format for an abstract of the disclosure.**

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "the," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the abstract *appears to be written as if it were a claim and is not in narrative form*. See MPEP § 608.01(b). Appropriate correction is required.

### Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a signal directly or indirectly by claiming a medium and the Specification recites evidence where the computer-readable medium is define as a “*wave*” (such as a carrier wave) . In that event, the claims are directed to a form of energy which at present the office feels does not fall into a category of invention.

Claims which are broad enough to read on statutory subject matter or on non-statutory subject matter are considered non-statutory. Cf. In re Lintner, 458 F.2d 1013, 1015, 173 USPQ 560, 562 (CCPA 1972) (“Claims which are broad enough to read on obvious subject matter are unpatentable even though they also read on nonobvious subject matter.”) During prosecution, applicant can amend to limit the claims to statutory subject matter.

## Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Lopes et al.** “*A Uniform Resource Identifier Scheme for SNMP*” 2002 IEEE, pp. 85-90.

### As to claim 1:

Lopes teaches a method of resource lookup comprising: receiving a resource identifier from an application indicating a resource to be utilized by the application; locating the resource based on the resource identifier and code generated during compilation of the application; and returning the resource to the application (see pp. 85-90).

### As to claim 2:

Lopes teaches receiving a resource identifier from an application comprises receiving the resource identifier via an Application Program Interface (see p. 85).

**As to claim 3:**

Lopes teaches the resource identifier is a string representing a name of the resource (see pp. 85-86).

**As to claim 4:**

Lopes teaches the code generated during compilation of the application comprises a switch statement having one or more cases (see pp. 85-86).

**As to claim 5:**

Lopes teaches each case of the switch statement comprises resource information identifying the resource indicated by the resource identifier (see pp. 85-86).

**As to claim 6:**

Lopes teaches returning the resource to the application comprises returning an object that is an instance of a class of the resource (see pp. 86-90).

**As to claim 7:**

Lopes teaches returning the resource comprises returning an open stream to the resource (see pp. 86-90).

**As to claims 8-14:**

Note the rejection of claims 1-7 above. Claims 8-14 are the same as claims 1-7, except claims 8-16 are system claims and claims 1-7 are method claims.

**As to claims 15-21:**

Note the rejection of claims 1-7 above. Claims 15-21 are the same as claims 1-7, except claims 15-21 are machine-readable medium claims and claims 1-7 are method claims.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by **Combs et al.** (US 6766348).

**As to claim 1:**

Combs teaches a method of resource lookup comprising: receiving a resource identifier from an application indicating a resource to be utilized by the application; locating the resource based on the resource identifier and code generated during compilation of the application; and returning the resource to the application (see the Abstract; col.2, line 38-col.3, line 9; and Figs.11-15 and the associated text).



**As to claim 2:**

Combs teaches receiving a resource identifier from an application comprises receiving the resource identifier via an Application Program Interface (see Figs.11 and 14 and the associated text).

**As to claim 3:**

Combs teaches the resource identifier is a string representing a name of the resource (see Fig. 9 and the associated text).

**As to claim 4:**

Combs teaches the code generated during compilation of the application comprises a switch statement having one or more cases (see Figs.11-15 and the associated text).

**As to claim 5:**

Combs teaches each case of the switch statement comprises resource information identifying the resource indicated by the resource identifier (see Figs.11-15 and the associated text).

**As to claim 6:**

Combs teaches returning the resource to the application comprises returning an object that is an instance of a class of the resource (see Figs.11-15 and the

associated text).

**As to claim 7:**

Combs teaches returning the resource comprises returning an open stream to the resource (see Figs. 11-15 and the associated text).

**As to claims 8-14:**

Note the rejection of claims 1-7 above. Claims 8-14 are the same as claims 1-7, except claims 8-14 are system claims and claims 1-7 are method claims.

**As to claims 15-21:**

Note the rejection of claims 1-7 above. Claims 15-21 are the same as claims 1-7, except claims 15-21 are machine-readable medium claims and claims 1-7 are method claims.

## **Conclusion**

7. The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure. Applicant should review these references carefully before responding to this office action.

Art Unit: 2194

### Contact Information

8. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM- 6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://padirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for patents  
P O Box 1450  
Alexandria, VA 22313-1450



Van H. Nguyen  
Patent Examiner, AU 2194